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APR 21 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

April 21, 1993

BY HAND

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

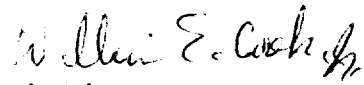
Re: ET Docket No. 93-7

Dear Ms. Searcy:

Please find enclosed, on behalf of NATOA, et al.,
an original and nine copies of Reply Comments filed as
part of the Commission's proceeding in ET Docket
No. 93-7.

Any questions regarding the submission should be
referred to the undersigned.

Sincerely,


William E. Cook, Jr.

Enclosures

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APR 21 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Implementation of Section 17 of)
the Cable Television Consumer)
Protection and Competition)
Act of 1992)

Compatibility Between Cable)
Systems and Consumer)
Electronics Equipment)

ET Docket No. 93-7

TO: The Commission

REPLY COMMENTS OF THE
NATIONAL ASSOCIATION OF TELECOMMUNICATIONS
OFFICERS AND ADVISORS, THE NATIONAL LEAGUE OF
CITIES, THE UNITED STATES CONFERENCE OF MAYORS,
AND THE NATIONAL ASSOCIATION OF COUNTIES

The National Association of Telecommunications
Officers and Advisors, the National League of Cities,
the United States Conference of Mayors, and the National
Association of Counties (collectively, the "Local
Governments") hereby submit these reply comments in the
above-captioned proceeding.

INTRODUCTION

The comments submitted in this proceeding
demonstrate clearly the reason that equipment
incompatibility became such a problem for consumers.
The cable and consumer electronics industries blame each

other, while the public pays the price. The comments underscore the recommendation of Local Governments that the Commission establish, and consult on an ongoing basis with, a committee composed of the cable and consumer electronics industries and franchising authorities, who protect the consumer interest in cable service at the local level.

Comments filed by representatives of the cable and consumer electronics industries demonstrate the inherent problems if the Commission were to consult only with a committee composed of representatives from those two industries. Comments by these parties clearly illustrate that their competing interests may make it extremely difficult for them to recommend comprehensive regulations. Indeed, the past failure of the cable and consumer electronic industries to fashion solutions to compatibility problems provides little hope that they can provide solutions now. In addition, both industries may have an incentive to reduce the burdens that the regulations might impose on them. Hence, any compromise solutions they may propose, while beneficial to each industry, may be to the disadvantage of cable subscribers -- who are the intended beneficiaries of

Section 17 of the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act").¹

Below, Local Governments suggest why the Commission should not limit its consultations to a committee composed of representatives of the cable and consumer electronics industries. Local Governments also comment on several proposals raised by the cable and consumer electronics industries that would undermine the purposes of Section 17 and illustrate why the Commission should establish and consult with a committee that includes other relevant parties.

DISCUSSION

I. Disagreements Between the Cable and Consumer Electronics Industries on Compatibility Issues Illustrate the Need for the Commission to Establish and Consult with a Broad-Based Committee that Includes Franchising Authorities and Other Interested Parties

Representatives of the cable and consumer electronics industries presented divergent views on solutions to current compatibility problems, and disagreed on who is responsible for, see, e.g., Comments of the Consumer Electronics Group of the Electronic Industries Association at 6 ("the Commission . . . should not forget which industry's conduct made this

¹ Pub. L. No. 102-385, 106 Stat. 1460 (1992). Section 17 is codified at Section 624A of the Communications Act of 1934. 47 U.S.C. § 544a.

legislation necessary. Nor should the Commission overlook the fundamental cause of the problem that led to Section 17: the lack of standards governing the characteristics of the signals delivered by the cable company to the consumer"),² and should bear the burden of solving, see, e.g., Comments of Zenith Electronics Corporation at 3 ("the consumer electronics manufacturing industry and the cable television manufacturing industry have each leaned toward solutions which place the major burden of compatibility performance on the other"),³ current problems.

In addition, several commenters who serve on the Cable-Consumer Electronics Compatibility Advisory Group have indicated that committee members might have irreconcilable views on certain issues raised in the Notice of Inquiry ("NOI").⁴ Moreover, past efforts of

² See Comments of Time Warner Entertainment Company, L.P. at 7 ("the Commission must also recognize that, in many cases, equipment incompatibility is the result of a lack of standards or the multiplicity of standards applicable to the same consumer electronics products or features"); Comments of Greater Media, Inc. at 2.

the cable and consumer electronics equipment industries to solve compatibility problems have not proven successful. The Consumer Electronics Group of the Electronic Industries Association noted, for example, that all attempts of dialogue with the cable industry have

encouraged the formation of a committee that represents the views of all interested parties in this proceeding.⁶ As suggested in our initial comments, Local Governments believe that, at a minimum, franchising authorities, who represent the public interest, should be included on such a committee to ensure that the interests of cable subscribers are protected.

II. The Commission and Franchising Authorities
Share Responsibility for Finding Solutions
to Compatibility Problems

Congress intended for the Commission and franchising authorities to share responsibility in implementing and/or enforcing various provisions in the

Issues regarding the enforcement of the compatibility regulations the Commission will adopt were not directly raised in the NOI and, with one notable exception, were not addressed in the comments filed in this proceeding. However, the NCTA suggested that the Commission be responsible for enforcing its compatibility rules.⁸ The Commission should have a role in enforcing its rules. However, Local Governments strongly oppose any suggestion that franchising authorities -- who regulate cable systems at the local level and receive many complaints from subscribers regarding compatibility issues -- should have no role in ensuring that cable systems comply with the Commission's rules. Local Governments look forward to commenting on the appropriate enforcement role of franchising authorities when that issue is raised by the Commission in this proceeding, or as part of any committee that the

⁸ NCTA suggests

that the Commission adopt a streamlined dispute resolution process that permits both electronics manufacturers and cable operators to certify, upon request, that they are in compliance with the Commission's compatibility regulations. Interested parties should be able to challenge these claims before the Commission. Because of its expertise in the area, the Commission is the appropriate forum for resolving such disputes.

Commission might establish and consult with on compatibility issues.

III. The Commission Should Not Delay
the Effective Date of Its Rules

The Commission should not delay the effective date of the implementation of its rules.⁹ Although Congress gave the Commission until April 1994 to adopt compatibility rules, neither Section 17 nor its legislative history indicate that Congress intended that the Commission delay the effective date of such rules. Moreover, parties suggesting a delay in implementation have not offered valid, if any, reasons for such delay.

A delay in implementation would be to the detriment of cable subscribers, who are the intended beneficiaries of the rules.

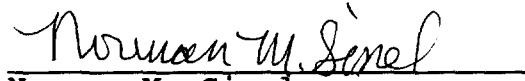
CONCLUSION

The Commission's primary goal in this proceeding should be to maximize the compatibility between a cable subscriber's consumer electronics equipment and the subscriber's cable system. Local Governments urge the Commission to establish and consult with a committee composed of representatives of franchising authorities

⁹ See, e.g., Comments of NCTA at 41 (proposing that most rules take effect within 18-24 months); Comments of the Consumer Electronics Group of the Electronic Industries Association at 48 (proposing "several years" to implement certain measures).

and other relevant parties to determine how to achieve such compatibility. The Commission should reject proposals that would undermine the benefits to consumers intended by Section 17.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Norman M. Sinel", is written over a horizontal line.

Norman M. Sinel
Stephanie M. Phillipps
William E. Cook, Jr.

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April 21, 1993